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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 JOSEPH AGEE,) CASE NO. C08-1718-JLR
09 Plaintiff,)
10 v.) REPORT AND RECOMMENDATION
11 STEVE SUNDBORG, *et al.*,)
12 Defendants.)
13 _____)

14 Plaintiff is a Washington state prisoner who filed a civil rights complaint pursuant to 42
15 U.S.C. § 1983 on December 16, 2008. (Dkt. No. 6). On that date, the Court directed plaintiff
16 to file an amended complaint within 30 days to correct deficiencies in the complaint. (Dkt. No.
17 7). The Court advised plaintiff that if he did not file a timely amended complaint, the Court
18 “will recommend that this matter be dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to
19 state a claim upon which relief can be granted.” (Dkt. No. 7 at 2-3). On December 31, 2008,
20 plaintiff requested a 90-day extension of time to file an amended complaint. (Dkt. No. 8).
21 The Court granted the request in part, giving plaintiff 60 days, or until March 16, 2009, to file
22 the amended complaint. (Dkt. No. 9). As of the date of this Report & Recommendation,

01 however, plaintiff has neither filed an amended complaint nor sought an additional extension of
02 time to do so. Accordingly, the Court recommends that the complaint and this action be
03 dismissed without prejudice. A proposed Order is attached.

04 DATED this 24th day of March, 2009.

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06 s/ Mary Alice Theiler
United States Magistrate Judge